U.S. SECURITIES AND EXCHANGE COMMISSION OFFICIAL Date filed USE WASHINGTON, D.C. 20549 (MM/DD/YY) Page 1 ONLY **Execution Page** APPLICATION FOR, AND AMENDMENTS TO APPLICATION 03/08/18 FOR, REGISTRATION AS A NATIONAL SECURITIES EXCHANGE OR EXEMPTION FROM REGISTRATION PURSUANT TO SECTION 5 OF THE EXCHANGE ACT WARNING: Failure to keep this form current and to file accurate supplementary information on a timely basis, or the failure to keep accurate books and records or otherwise to comply with the provisions of law applying to the conduct of the applicant would violate the federal securities laws and may result in disciplinary, administrative or criminal action. INTENTIONAL MISSTATEMENTS OR OMISSIONS OF FACTS MAY CONSTITUTE CRIMINAL VIOLATIONS ☐ APPLICATION 1. State the name of the applicant: Choe BYX Exchange, Inc. Provide the applicant's primary street address (Do not use a P.O. Box): 2. 400 South LaSalle Street Chicago, Illinois 60605 Provide the applicant's mailing address (if different): 3. 4. Provide the business telephone and facsimile number: (913) 815-7119 (913) 815-7000 (Telephone) Provide the name, title and telephone number of a contact employee: 5. Anders Franzon SVP, Deputy General Counsel, Choe BYX Exchange, Inc. (913) 815-7154 (Title) (Telephone Number) (Name) Provide the name and address of counsel for the applicant: 6. Pat Sexton 400 S. LaSalle Street Chicago, IL 60605 18002044 Provide the date that applicant's fiscal year ends: December 31 7. Partnership. Indicate legal status of the applicant: X Corporation Sole Partnership 8. Limited Liability Company \_\_\_\_\_ Other (specify): If other than a sole proprietor, indicate the date and place where applicant obtained its legal status (e.g. state where incorporated, place where partnership agreement was filed or where applicant entity was formed): (a) Date (MM/DD/YY): 11/01/07 (b) State/Country of formation: Delaware/United States of America (c) Statute under which applicant was organized: General Corporation Law of the State of Delaware The applicant consents that service of any civil action brought by, or notice of any proceeding before, the Securities and Exchange Commission in connection with the applicant's activities may be given by registered or certified mail or confirmed telegram to the applicant's contact employee at the main address, or mailing address if different, given in Items 2 and 3. The undersigned, being first duly sworn, deposes and says that he/she has executed this form on behalf of, and with the authority of, said applicant. The undersigned and applicant represent that the information and statement contained herein, including exhibits, schedules, or other documents attached hereto, and other information filed herewith, all of which are made a part hereof, are current, true and complete. Choe BYX Exchange, Inc. 03/08/18 (Name of Applicant) (MM/DD/YY) Anders Franzon, SVP, Deputy General Counsel

(Printed Name and Title)
\_, 2018by Branco

County of Johnson State of Confee

(Notary Public)

(Signature)

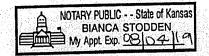
Subscribed and sworn before me this 8th

My Commission expires 08 04 19

day of

(Month)

This page must always be completed in full with original, manual signature and notarization. Affix notary stamp or seal where applicable.





March 8, 2017

### Via Federal Express

Ms. Jeanette Marshall Securities and Exchange Commission Division of Trading and Markets 100 F Street, N.E. Mail Stop 6628 Washington, DC 20549-0001

Re: Cboe BYX Exchange, Inc. Form 1 Amendment

Dear Jeanette:

On behalf of Cboe BYX Exchange, Inc. (or the "Exchange"), and in connection with the Cboe Form 1 that is on file with the Securities and Exchange Commission ("Commission"), enclosed please find one original and two copies of the Execution Page to Form 1 as well as the following exhibit:

 Exhibit F (updated to include the most recent, final versions of agreements circulated to Members and other Users of the Exchange)

This amendment is filed in accordance with SEC Rule 6a-2 and is intended to replace Exhibit F currently on file with the Commission. Please do not hesitate to contact me if you have any questions or require anything further.

Sincerely,

Anders Franzon V SVP, Deputy General Counsel

**Enclosures** 





Choe BYX Exchange, Inc. Form 1 Registration Statement: Exhibit F

## Exhibit F

### **Exhibit Request:**

A complete set of all forms pertaining to:

- 1. Application for membership, participation or subscription to the entity,
- 2. Application for approval as a person associated with a member, participant or subscriber of the entity, and
- 3. Any other similar materials.

## Response:

Attached please find the following documents which have recently been added or updated:

• User Agreement Addendum for Attribution

The Exchange intends to use Form U-4, the Uniform Application for Securities Industry Registration or Transfer, for persons applying to be associated persons of a Member.

# **User Agreement Addendum to Permit Attribution**

This User Agreement Addendum to Permit Attribution (this "Addendum"), with an effective date as of the date executed on the signature page hereof, is made by and among each of Cboe BZX Exchange, Inc., Cboe BYX Exchange, Inc., Cboe EDGA Exchange, Inc. and Cboe EDGX Exchange, Inc. (collectively, the "Exchange") and the user referenced below ("User"). Capitalized terms used but not defined in this Addendum shall have the meaning set forth in the User Agreement by and between the Exchange and User (the "User Agreement").

User's execution of this Addendum is optional. By signing this form, User authorizes attribution of Covered Data (as defined below) in Exchange data products and/or on the Exchange's public website.

An executed version of this Addendum can be delivered to the Exchange via email to MembershipServices@cboe.com.

### **TERMS OF ADDENDUM**

Whereas, the Exchange provides certain services to User pursuant to the User Agreement and User desires to continue to use such services as modified below. For good and valuable consideration, User and the Exchange, agree as follows:

1. Scope. This Addendum shall be deemed to be a supplement to the User Agreement and all terms and provisions of the User Agreement which are not expressly overridden by the terms and conditions of this Addendum shall be incorporated herein by reference. This Addendum shall only apply to the Trading Platform(s), Attribution Type(s) and Attributed MPIDs selected by User below (collectively, the "Covered Data").

<u>Trading Platform</u> : User limits the applicabili	ity of this Addendum t	to the following Exch	ange trading platform(s):	
Cboe BZX Exchange, Inc. (Equities) Cboe BZX Exchange, Inc. (Options)			•	
☐ Cboe BYX Exchange, Inc. ☐ Cboe EDGA Exchange, Inc. ☐ Cboe EDGX Exchange, Inc. (Equities)				•
Cboe EDGX Exchange, Inc. (Options)			•	• 4
Attribution Type: User limits the applicabili	ity of this Addendum t	o the following types	of attribution:	•
Allow Use of User's Identity in connection	on with its Aggregate V	olume Ranking Relat	ive to other Users	
Allow Quote Attribution	·	•		1
Attributed MPIDs: User limits the applicabili	ity of this Addendum t	o the following MPID	s:	
Aggregate all User MPIDs Limit A	attribution to Selected	MPIDs:		

2. Modification of User Agreement. The parties acknowledge that the User Agreement, including but not limited to Sections 8 and 10, requires the Exchange to keep User's identity confidential and would preclude the Exchange from publishing any information regarding information and data that User or User's agent enters into the Exchange. Notwithstanding such provisions, User hereby grants to the Exchange a non-exclusive, non-assignable, non-transferable, worldwide, revocable license to receive and use Covered Data (as defined by User's selection(s) above) within Exchange market data products and/or on the Exchange's public website even if such use of Covered Data is inconsistent with the terms of the User Agreement. The license granted hereunder shall remain in effect for the term of the User Agreement, unless this Addendum is terminated earlier by User or Exchange upon 30 days written notice to the other party.

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**IN WITNESS WHEREOF** the parties hereto have caused this Addendum to be executed by their duly authorized officers.

User:	Cboe BZX Exchange, Inc.; Cboe BYX Exchange, Inc.; Cboe EDGA Exchange, Inc.; Cboe EDGX Exchange, Inc.
Signature:	Signature:
Printed Name:	Printed Name:
Title:	Title:
	Date:

Updated March 1, 2018